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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/018,887

12/26/2001

Milos Lapcevic

LAPCEVIC=1

8381

1444 7590 10/22/2003

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EXAMINER

BOGART, MICHAEL G

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,887

Applicant(s)

LAPCEVIC, MILOS

Examiner

Michael G. Bogart

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-10, 16, 17, 26, 27, 37-42, 47, 49-51, 53, 57, 58, 70, 76-78 and 80-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 26, 37, 70, 76, 80, 82 and 84 is/are rejected.
- 7) ☒ Claim(s) 8-10, 27, 38-44, 47, 49-51, 53, 57, 58, 77, 78, 81, 83 and 85 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

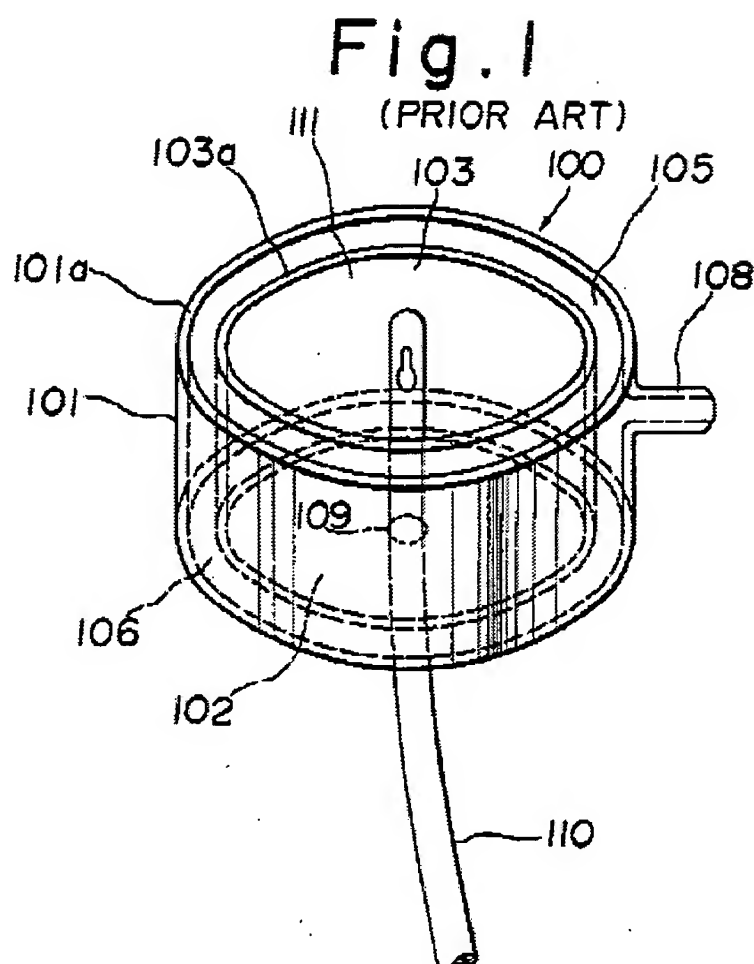
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 26, 37, 70, 80, 82 and 84 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sarashina (US 4,413,994).

Regarding claims 1 and 2, Sarashina teaches a device (100) for evacuating waste product through an orifice in a mammalian body, the device (100) including a chamber (111) having an inlet (defined by wall edge, (103a)) and an outlet (108), the inlet being able to be brought into abutment with the body about the orifice and the outlet (108) being connectable to a suction means, the device (100) further including an irrigating means (110) for introducing an irrigating fluid into the orifice, the irrigating means (110) having a free end that is movable relative to the chamber (105) between at least a first position outside the orifice and a second position at least partially within the orifice (Fig. 1, below, col. 1, line 19-col. 2, line 9).

Regarding claim 3, Sarashina teaches the inlet of the chamber seals with the body about the orifice (col. 1, lines 61-65).



Regarding claim 26 and 37, Sarashina teaches irrigating means (110) comprising a catheter having at least one lumen in fluid contact with an orifice for the passage of irrigation fluid and a free end for insertion into the bodily orifice of a user (Fig. 1).

Regarding claim 70, see col. 1, lines 7 and 8.

Regarding claim 76, Sarashina teaches a method of evacuating waste from an orifice in a mammalian body comprising the steps of:

abutting the inlet of the chamber (105) to the body about the orifice (col. 1, lines 61-65);

moving the irrigating means to a second position where its free end is at least partially within the orifice;

irrigating the bodily orifice with an irrigating fluid transported through the irrigating means (110);

applying suction to the outlet of the chamber to withdraw waste from the orifice into the chamber and through the outlet (col. 1, line 48-col. 2, line 9).

Regarding claim 80, see col. 1, lines 7 and 8.

Regarding claim 82, Sarashina teaches a method of evacuating waste from an orifice in a mammalian body comprising the steps of:

abutting the inlet of the chamber (105) to the body about the orifice (col. 1, lines 61-65);
engaging the irrigating means to a second position where its free end is at least partially within the orifice;

irrigating the bodily orifice with an irrigating fluid transported through the irrigating means (110);

applying suction to the outlet of the chamber to withdraw waste from the orifice into the chamber and through the outlet (col. 1, line 48-col. 2, line 9).

Regarding claim 84, see col. 1, lines 7 and 8.

Allowable Subject Matter

¹⁰
Claims 8-~~10~~₁₁, 16, 17, 27, 38-44, 47, 49-51, 53, 57, 58, 77, 78, 81 83 and 85 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Art Unit: 3761

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

In the event the examiner is not available, the examiner's supervisor, Weilun Lo may be reached at phone number (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 746-3380 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.


Michael Bogart
October 14, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700